



## ZONING ADMINISTRATOR AGENDA REPORT

Date: September 19, 2019

AGENDA OF: October 2, 2019

ITEM NO.: CP19-0093

302 Pacific Avenue

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**RECOMMENDATION:** That the Zoning Administrator acknowledge the environmental determination and approve the Administrative Use Permit based on the attached Findings and Conditions of Approval in Exhibit "A".

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### PROJECT DATA:

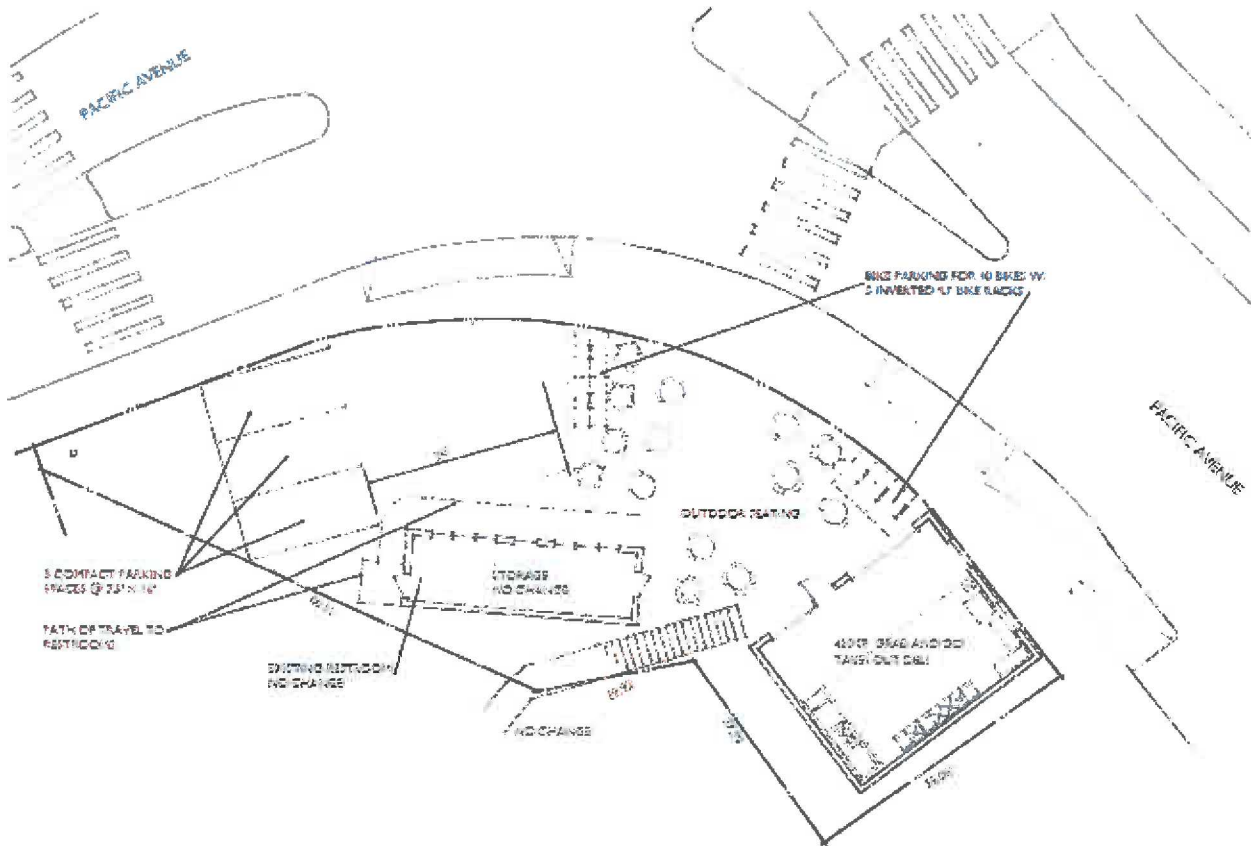
Property Owner:	Robert and Michelle Griffin	APN: 007-151-01
Representative:	Hassan Ayyad	
Application Type:	Administrative Use Permit to establish a food convenience market.	
Zoning:	R-T (C) Tourist Residential District Subdistrict C -Beach Commercial /CZ-O Coastal Zone Overlay District	
Project Consistency:	Use is permitted as conditioned	
General Plan:	R-V C Regional Visitor Commercial	
Project Consistency:	As conditioned, consistent with the General Plan	
Land Use:		
Existing:	Segway rental business	
Proposed:	Food Convenience market	
Lot Area:	Approximately 3,964 square feet	
Lot Dimensions:	Irregular	
Parking:	Four spaces required, none provided; see Parking Analysis	
Coastal Review:	Coastal Permit Exemption	
Environmental Review:	Categorical Exemption 15301, Class 1 (Existing Facilities)	
Mandatory Action Date:	60 days after acknowledgement of Categorical Exemption	
Planner:	Nancy A. Concepcion	

**PROJECT DESCRIPTION:**

The applicant is proposing to establish a food convenience market at an existing commercial site located at the intersection of Pacific Avenue and Center Street. The business would be located within two building which total 1,000 square feet. The market will serve prepared foods (i.e. breakfast burritos, omelets and sandwiches), local products and typical grocery items. There will be no sales of alcoholic beverages or entertainment.



The subject property is a narrow, irregularly-shaped, corner lot located at the intersection of Pacific Avenue and Center Street. The site is developed with two small one-story buildings that are approximately 420 and 260 square feet in area. The remaining area of the lot is paved. The property, which is directly adjacent to the Depot Park roundabout, has a sidewalk along its entire frontage with one central driveway and two pedestrian crosswalk ramps at the northern and southern portions of the site. The proposed convenience market would occupy both of the existing buildings and be the only business at the property. The project site is surrounded by hotel and motel uses to the north across Pacific Avenue; residential uses to the south; retail and service uses to the east on Pacific Avenue; and Depot Park to the west across Pacific Avenue. The site is located within close proximity of numerous hotels and motels as well as West Cliff Drive, the Municipal Wharf, the Boardwalk, and other tourist attractions in the beach area. Based on its location the majority of its patrons will be pedestrians circulating in and around the beach area.



### **ANALYSIS:**

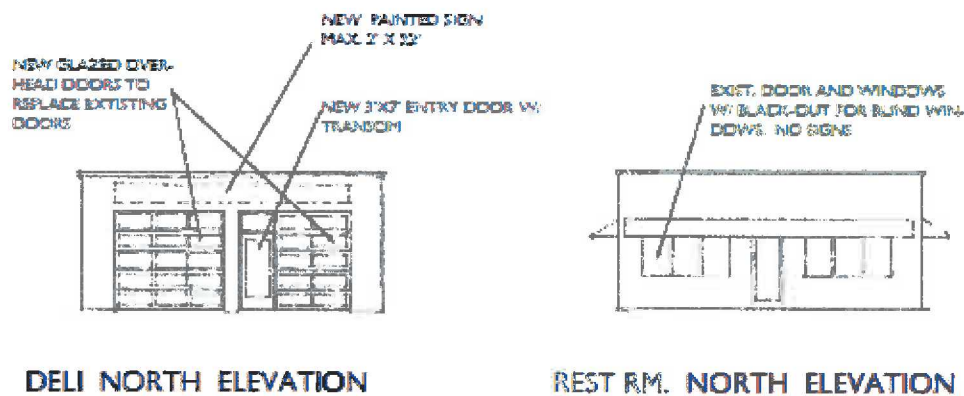
*General Plan and Beach and South of Laurel Area Plan.* The proposed convenience market will support tourist activities in the community by providing a retail store that serves both tourists and residents in the immediate area. The market will cater to pedestrians and is a commercial service envisioned in the Beach and South of Laurel area.

*Zoning.* The subject property is located within Subdistrict C of the Tourist Residential (R-T) zone district. The purpose of Subdistrict C, which is identified for “Beach Commercial” uses, is to provide a mix of regional tourist commercial uses and residential uses. The site is also identified for beach commercial uses within the *Beach and South of Laurel Comprehensive Area Plan*. The property is located in the Coastal Zone within Coastal Exclusion B. The proposed project can be excluded from coastal development review because it involves a change of commercial use in an existing structure per Section 24.08.230.2(B)(2) of the Zoning Ordinance.

The R-T(C) zone district allows for regional tourist commercial uses, including convenience markets, with approval of an Administrative Use Permit. The proposed market will serve tourists visiting the beach area and also the residents in the nearby Beach Hill residential properties which is consistent with the purpose of the RT(C) (Beach Commercial) zone district.



*Operational Characteristics.* The applicant proposes to use the 260 square foot building at the site as storage with the restroom for patrons. The 420 square foot garage/warehouse building, remodeled for use as the convenience market. The proposed business hours are 7:00 a.m. to 7:00 p.m., seven days a week. The business has a total of four employees with typically two employees on-site per shift. The applicant has indicated that employees will be provided with parking passes for the Depot lot parking area.



*Site Improvements.* The building remodel includes the replacement of the two roll-up doors on its main frontage with doors that create a more contemporary look that features glass windows to provide more light and architectural interest. The store layout will include a small food preparation area; and although there is an interior counter, it is not intended as a seating area. The site improvements consist of outdoor seating areas, landscape planter boxes and new bicycle parking. The application had initially proposed onsite parking but as parking is not required (see parking analysis), and based on traffic and circulation concerns generated with onsite parking – this area will be re-designed for additional seating and landscaping.

*Parking.* The project site is an irregularly-shaped corner lot with one central driveway at the parcel frontage along Pacific Avenue. There is no onsite striped parking on the property.

According to City records, the property was most recently used as a Segway rental business. The number of parking spaces required for this use was based on its classification as a service establishment which requires the same off-street parking ratio as a retail store (one space per 250 square feet of floor area). This resulted in a requirement of four off-street parking spaces at a ratio of one space per 250 square feet of floor area as a retail use. Based on this, the proposed convenience market would require the same number of offstreet vehicle parking spaces (four spaces) as the former Segway shop.

Section 24.18.050 of the Zoning Ordinance allows a new nonresidential use to replace another nonconforming use provided its “sole nonconformity pertains to parking and its parking requirement does not exceed the parking requirement for the use it replaces.” While the site is

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currently nonconforming with respect to parking, the new use will not exceed the off-street parking requirement for the former use; therefore, the site will not be made more nonconforming.

Due to the location of the site in close proximity to the beach and wharf, the business will be accessible by tourists walking from visitor lodging within the immediate area. Because most out-of-town patrons will likely have parked their vehicles at their overnight lodging location, or the City Depot Park parking area, the use is not anticipated to generate a need for on-site vehicle parking.

### **RECOMMENDATION**

The proposed convenience market will provide a service for visitors of the beach and wharf area and for residents in the nearby Beach Hill residential area above the property. This is consistent with the General Plan, the *Beach and South of Laurel Comprehensive Area Plan* and the R-T(C) zoning for the site.

The proposed use has been reviewed by the Police, Public Works, Building and Fire Departments. The Police Department has not required any special conditions of approval given the hours of operation and the lack of alcoholic beverage sales. The Public Works Department did not have any concerns with the change in use and lack of parking, but would like a more defined barrier along the frontage of the property with larger bollards and landscape treatment. The Building and Fire departments have required standard conditions associated with the remodel of an existing building.

Staff recommends approval of the Administrative Use Permit based on the Findings below and Conditions in the attached Exhibit "A".

### **FINDINGS**

#### **Administrative Use Permit Findings, Section 24.08.050**

1. **The proposed use conforms to the requirements and the intent of this title, and of the General Plan, relevant area plans, and the Coastal Land Use Plan, where appropriate.**

The proposed convenience market conforms to policies contained in the General Plan goals and is consistent with the City's vision for the RT(C) zoning designation of the property as identified in the *Beach and South of Laurel Comprehensive Area Plan*, which is intended for regional serving visitor commercial uses. This zoning designation calls for support services for the existing lodging uses in the area. The project site is located in Coastal Exclusion Zone B, which allows the proposed use to be excluded from coastal development review per section 24.08.230.2.2a (1).

2. **That any additional conditions stipulated as necessary in the public interest have been imposed.**

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Conditions that limit the hours of operation to 7:00 a.m. to 7:00 p.m., seven days a week, and require the submittal of a revised site plan with a reconfiguration of the seating areas, landscape planters and bollards along the perimeter of the property have been imposed to insure the use will be compatible with the surrounding residential and commercial uses.

3. **That such use will not constitute a nuisance or be detrimental to the public welfare of the community.**

As conditioned, due to the days and hours of operation, no alcohol or entertainment, the proposed convenience market is anticipated to operate safely with minimal nuisance impacts.

4. **That all thrift store uses shall include a management plan that identifies collection facilities for donated items, operating hours for donation facilities which discourage unsupervised dropoffs, adequate storage areas for sorting the materials, and provides a plan to properly dispose of unusable items in a timely, secure, and orderly fashion and maintains premises in a clean and attractive condition.**

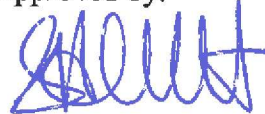
This finding is not applicable.

Submitted by:



Nancy Concepcion  
Associate Planner

Approved by:



Samantha Haschert  
Senior Planner

Exhibits:

A. Conditions of Approval

EXHIBIT "A"

CONDITIONS OF APPROVAL FOR THE PROJECT ON PROPERTY AT

**302 Pacific Avenue – Application CP19-0093**

**Administrative Use Permit to establish a food convenience market in the R-T(C)/CZ-O (Tourist Residential Subdistrict C – Beach Commercial/ Coastal Zone Overlay) zone district.**

1. If one or more of the following conditions is not met with respect to all its terms, then this approval may be revoked.
2. All plans for future construction which are not covered by this review shall be submitted to the City Planning and Community Development Department for review and approval.
3. This permit shall be exercised within three (3) years of the date of final approval or it shall become null and void.
4. If, upon exercise of this permit, this use is at any time determined by the Zoning Administrator to be incompatible with the surrounding neighborhood, revocation of, or amendment to, this permit by the Planning Commission could occur.
5. The use shall meet the standards and shall be developed within limits established by Chapter 24.14 of the Santa Cruz Municipal Code as to the emission of noise, odor, smoke, dust, vibration, wastes, fumes or any public nuisance arising or occurring incidental to its establishment or operation.
6. The applicant shall be responsible for the completeness and accuracy of all forms and supporting material submitted in connection with any application. Any errors or discrepancies found therein may result in the revocation of any approval or permits issued in connection therewith.
7. The development of the site shall be in substantial accordance with the approved plans submitted July 29, 2019 and on file in the Department of Planning and Community Development of the City of Santa Cruz. All aspects of construction must be completed prior to occupancy. Major modifications to plans or exceptions to completion may be granted only by the City authority which approved the project.
8. All requirements of the Building, Public Works, Fire and Police Departments shall be completed prior to occupancy and continuously maintained thereafter.
9. Future uses shall submit a disclosure statement for Zoning Administrator review prior to issuance of any occupancy permit regarding materials and chemicals to be used and disposed of from the site.
10. A revised site plan with outdoor seating areas, bicycle parking, bollards and landscape planters shall be submitted for review and approval by the Zoning Administrator and the Public Works department.

**CONDITIONS OF APPROVAL**  
**For 302 Pacific Avenue – Application CP19-0093**

11. Bike parking shall be provided in accordance with Section 24.12.250-252 of the City's Zoning Ordinance.
12. Prior to commencement of the business, the applicant shall obtain a Zoning Clearance/Occupancy Permit from the City Planning Department and a Business License from the City Finance Department.
13. Prior to commencement of the business, the applicant shall prepare a signage plan for the proposed use and submit it for sign permit review and approval. All signage shall conform to the sign regulations of the Zoning Ordinance and the *Beach and South of Laurel Area Plan Design Guidelines*. No internally-illuminated plastic can signs shall be allowed.
14. The hours of operation for the convenience market use shall be limited to 7:00 a.m. to 7:00 p.m., seven days a week.
15. No sales of alcoholic beverages or entertainment are permitted unless a new use permit is obtained.